INDUSTRIAL RELATIONS LAW

The appropriate governments hold the reins of industrial adjudication. The scope and extent of discretion in referring a dispute as well as in implementing a decision present complex and are areas of interesting study. What are the international norms relating to industrial adjudication? Are they followed in India? Is the statutory silence on the criteria for adjudication conducive to bringing industrial peace? How did the process of judicial review help evolving significant formulations on certain core areas of industrial relations despite the statutory prescription of finality of industrial adjudication?

As the terms and conditions of labour are enumerated in the certified Standing Orders the machinery under the standing order Act assumes significance in Law relating to Labour Management Relations. Industrial Relation Act 1978 was sought to be enacted by the Central Government. The Industrial Relation Bill 1978 wanted to achieve the same by combining the three Acts pertaining to labour management Relations. They were The Industrial Disputes Act, 1947 and Trade Union Act, 1926 and Industrial Employment (Standing Order ) Act, 1956. The Trade Unions raise their issues with the management of the industries on different matters. There are things falling within the preview of Industrial Employment Standing Orders Act 1956 as the terms and conditions of labour forms a pivotal role in the matter of Industrial Dispute. These problems are to be studied from a critical angle and with a comparative thrust on development in other common law countries. The following syllabus prepared with this perspective comprising of 5 units will be spread over a period of one semester.

Syllabus

1. Industrial Relation -Perspectives and Foundations
   Industrial Relations: Concept – Concept Of Master And Servant Relationship - State Regulation Of Employer - Employee Relationship- Concept Of Industry- Industrial Dispute-Juridical Formulation- Constitutional Goals Protecting Capital And Labour

2. Voluntary Dispute Settlement Mechanism
   Voluntary Settlement And Conciliation – Arbitration - Collective Bargaining-Comparative Overview Of Access To Adjudicatory Process In The UK , USA , And India

3. Adjudication Process

4. Employers and Employees rights
   Lay off- Retrenchment and Closure in industry - transfer of undertaking- Legal Control of lay-off retrenchment and closure - Retrenchment the widening dimensions through decisional law - Comparative over view of position in UK and India.

5. Industrial employment
PRESCRIBED BOOKS AND JOURNALS:
K.D. Srivastava - Law Relating to trade Unions and Unfair
Labour Practices in India. (Eastern Book Company),
V.V. Giri, Labour Problems in Indian industry (Asia Publishing House),
V.B. Kher - Indian Trade Union Law,
J.N. Mallik - Trade Law, (S.C. Sarker & Sons),
Ganga Sahai Sharma - Trade Union Freedom in India. (Deep and Deep Publication),
S.N. Dhayani - Trade Union and the Right to strike. (S. Chand & Co.),
Morris D. Korkash - A Tretise on Labour Law. ( The Bobbs. Merrill Co. Inc.),
(Practice Hall), Otto - Kahan Freund- Labour and the Law (Stevan & Sons),
Roger W. Rideout- Principles of Labour Law (Sweet & Maxewell),
ILO on “Conciliation in Industrial Disputes” (1978)
ILI, “Labour Law and Labour Relations”, Parts 11, IV, VI, VII, IX, and XI.